

REMARKS/ARGUMENTS

Claims 95-112 are active in this case. The previous set of claims was cancelled in favor of the presented claims and the new set of claims correspond to those previous claims. In addition, in this new set of claims, the human cells being cultured have been defined according to the specification on page 8, line 13, 14, and 20-23.

No new matter is added in light of the support for these amendments as noted.

During a previous meeting (March 25, 2004), the Examiner suggested amending the claims to include a listing of specific cell types to overcome the issues present at that time. As the present issues are similar in many respects, to avoid further delays in securing allowance of this case, Applicants have adopted the Examiner's suggestion and have provided a listing of specific human cells to be cultured.

The objection pertaining to Claim 70 (page 4 of the Official Action) is no longer applicable as Claim 70 has been cancelled.

The rejection of Claims 70-94 under 35 U.S.C. § 112, second paragraph is obviated by the cancellation of these claims. Claims 95-112 are free of the criticisms raised in the Office Action under this heading. In particular, the rejection is based on the phrase "mature, terminally differentiated human." As noted above and is apparent from the claims submitted, the method as claimed refers to culturing specific types of cells. Accordingly, there should be no confusion as to the types of cells being cultured and as such Applicants request that this rejection be withdrawn.

The rejections of Claims 70 and 73 under 35 U.S.C. § 102(b) in view of the Emerson et al patents, i.e., US '994, US '822, US '386, US '043, US '147 and US '198, are respectfully traversed. As noted, Claims 70 and 73 have been cancelled.

These Emerson et al patents, as duly noted by the Office, are to culturing stem and/or progenitor cells found in the human hematopoietic system. The recurring basis for maintaining the rejections is the apparent inclusion of erythroid, granulocytes and macrophages in the culture. While Applicants disagree with the position taken by the Office, as noted above, to avoid further delays, the claims have been amended to define specific human cells being cultured (from the disclosure on page 7). It is apparent that in the Emerson patents do not describe human osteoblasts, human osteoclasts, human neural cells, human adipocytes, and human T cells as claimed.

In view of these distinctions, Applicants request that the rejections under 35 USC 102(b) be withdrawn.

Applicants also request a notice of allowance confirming the allowability of all pending claims.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, he is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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